

# Senate Amendment 3130

PAG LIN

1 1 Amend Senate File 350, as passed by the Senate, as  
1 2 follows:

1 3 #1. Page 1, by inserting before line 1, the  
1 4 following:

1 5 <Section 1. Section 252B.9, subsection 1,  
1 6 paragraph d, subparagraph (2), Code 2005, is amended  
1 7 to read as follows:

1 8 (2) Certain records held by public utilities ~~and,~~  
1 9 ~~cable, or other~~ television companies, cellular  
1 10 telephone companies, and internet service providers

1 11 with respect to individuals who owe or are owed  
1 12 support, or against or with respect to whom a support  
1 13 obligation is sought, consisting of the names and  
1 14 addresses of such individuals and the names and  
1 15 addresses of the employers of such individuals, as  
1 16 appearing in customer records. If the records are  
1 17 maintained in automated databases, the unit shall be  
1 18 provided with automated access.>

1 19 #2. Page 2, by inserting after line 30 the  
1 20 following:

1 21 <Sec. \_\_\_\_\_. NEW SECTION. 252B.25 CONTEMPT ==  
1 22 COMBINING ACTIONS.

1 23 Notwithstanding any provision of law to the  
1 24 contrary, if an obligor has been ordered to provide  
1 25 support in more than one order, the unit may bring a  
1 26 single action for contempt to enforce the multiple  
1 27 orders. The unit shall file the action in the  
1 28 district court of a county where at least one of the  
1 29 support orders was entered or registered. For the  
1 30 purposes of this section, the district court where the  
1 31 unit files the action shall have jurisdiction and  
1 32 authority over all other support orders for the  
1 33 obligor entered or registered by a court of this state  
1 34 and affected under this section. In such case, the  
1 35 unit shall also file a document with the clerk of  
1 36 court in each county affected specifying the county  
1 37 where the action under this section was filed and the  
1 38 disposition of the action.

1 39 Sec. \_\_\_\_\_. NEW SECTION. 252B.26 SERVICE OF  
1 40 PROCESS.

1 41 Notwithstanding any provision of law to the  
1 42 contrary, the unit may serve a petition, notice, or  
1 43 rule to show cause under chapter 252A, 252C, 252F,  
1 44 252H, 252K, 598, or 665 as specified in each chapter,  
1 45 or by certified mail. Return acknowledgement is  
1 46 required to prove service by certified mail, rules of  
1 47 civil procedure 1.303(5) and 1.308(5) shall not apply,  
1 48 and the return acknowledgment shall be filed with the  
1 49 clerk of court.

1 50 Sec. \_\_\_\_\_. Section 252D.3, Code 2005, is amended to  
2 1 read as follows:

2 2 252D.3 NOTICE OF INCOME WITHHOLDING.

2 3 All orders for support entered on or after July 1,  
2 4 1984, shall notify the person ordered to pay support  
2 5 of the mandatory withholding of income required under  
2 6 section 252D.1. ~~However, for orders for support~~

~~2 7 entered before July 1, 1984, the clerk of the district~~  
~~2 8 court, the child support recovery unit, or the person~~  
~~2 9 entitled by the order to receive the support payments,~~  
~~2 10 shall notify each person ordered to pay support under~~  
~~2 11 such orders of the mandatory withholding of income~~  
~~2 12 required under section 252D.1. The notice shall be~~  
~~2 13 sent by certified mail to the person's last known~~  
~~2 14 address or the person shall be personally served with~~  
~~2 15 the notice in the manner provided for service of an~~  
~~2 16 original notice at least fifteen days prior to the~~  
~~2 17 ordering of income withholding under section 252D.1.~~  
~~2 18 A person ordered to pay support may waive the right to~~  
~~2 19 receive the notice at any time. However, this~~  
2 20 subchapter is sufficient notice of implementation of  
2 21 mandatory withholding of income under section 252D.1  
2 22 without any further notice.

2 23 Sec. \_\_\_\_\_. Section 252D.10, Code 2005, is amended  
2 24 to read as follows:

2 25 252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

2 26 ~~The notice requirements of section 252D.3 do not~~

~~2 27 apply to this subchapter. An order for support~~  
2 28 entered after November 1, 1990, shall contain the  
2 29 notice of immediate income withholding. However, this  
2 30 subchapter is sufficient notice for implementation of  
2 31 immediate income withholding without any further  
2 32 notice.

2 33 Sec. \_\_\_\_\_. Section 252D.16, subsection 1, paragraph  
2 34 b, Code 2005, is amended to read as follows:

2 35 b. A sole payment or lump sum as provided in  
2 36 section 252D.18C, including but not limited to payment  
2 37 from an estate including inheritance, or payment for  
2 38 personal injury or property damage.

2 39 Sec. \_\_\_\_\_. Section 252D.24, subsection 2, Code  
2 40 2005, is amended by striking the subsection.

2 41 Sec. \_\_\_\_\_. Section 252I.3, Code 2005, is amended to  
2 42 read as follows:

2 43 252I.3 INITIAL NOTICE TO OBLIGOR.

~~2 44 The unit may proceed under this chapter only if~~  
~~2 45 notice has been provided to the obligor in one of the~~  
~~2 46 following manners:~~

~~2 47 1. The obligor is provided notice of the~~  
~~2 48 provisions of this chapter in the court order~~  
~~2 49 establishing the support obligation. The unit or~~  
2 50 district court may include language in any new or  
3 1 modified support order issued on or after July 1,  
3 2 1994, notifying the obligor that the obligor is  
3 3 subject to the provisions of this chapter. However,  
3 4 this chapter is sufficient notice for implementation  
3 5 of administrative levy provisions without further  
3 6 notice of the provisions of this chapter.

~~3 7 2. The unit may send a notice by regular mail to~~  
~~3 8 the last known address of the obligor, notifying the~~  
~~3 9 obligor that the obligor is subject to the provisions~~  
~~3 10 of this chapter, with proof of service completed~~  
~~3 11 according to rule of civil procedure 1.442.~~

3 12 Sec. \_\_\_\_\_. Section 252I.5, subsection 1, Code 2005,  
3 13 is amended to read as follows:

3 14 1. If an obligor is subject to this chapter under  
3 15 section 252I.2, the unit may initiate an  
3 16 administrative action to levy against the accounts of  
3 17 the obligor. ~~If notice has previously been provided~~  
~~3 18 pursuant to section 252I.3, further notice is not~~  
~~3 19 required.~~

3 20 Sec. \_\_\_\_\_. Section 252J.3, unnumbered paragraph 1,  
3 21 Code 2005, is amended to read as follows:

~~3 22 The unit shall proceed in accordance with this~~  
~~3 23 chapter only if the unit sends a notice is served on~~  
~~3 24 to the individual in accordance with rule of civil~~  
~~3 25 procedure 1.305 or notice is sent by certified mail~~  
~~3 26 addressed to the individual's last known address and~~  
~~3 27 served upon any person who may accept service under~~  
~~3 28 rule of civil procedure 1.305. Return acknowledgment~~  
~~3 29 is required to prove service by certified by regular~~  
3 30 mail to the last known address of the individual. The  
3 31 notice shall include all of the following:

3 32 Sec. \_\_\_\_\_. Section 252J.3, subsections 4 and 5,  
3 33 Code 2005, are amended to read as follows:

3 34 4. A statement that if, within twenty days of  
3 35 service mailing of the notice on to the individual,  
3 36 the individual fails to contact the unit to schedule a  
3 37 conference, the unit shall issue a certificate of  
3 38 noncompliance, bearing the individual's name, social  
3 39 security number and unit case number, to any  
3 40 appropriate licensing authority, certifying that the  
3 41 obligor is not in compliance with a support order or  
3 42 an individual has not complied with a subpoena or  
3 43 warrant.

3 44 5. A statement that in order to stay the issuance  
3 45 of a certificate of noncompliance the request for a  
3 46 conference shall be in writing and shall be received  
3 47 by the unit within twenty days of service mailing of  
3 48 the notice on to the individual.

3 49 Sec. \_\_\_\_\_. Section 252J.4, subsections 1, 2, and 6,  
3 50 Code 2005, are amended to read as follows:

4 1 1. The individual may schedule a conference with  
4 2 the unit following service mailing of the notice  
4 3 pursuant to section 252J.3, or at any time after  
4 4 service of notice of suspension, revocation, denial of  
4 5 issuance, or nonrenewal of a license from a licensing

4 6 authority, to challenge the unit's actions under this  
4 7 chapter.

4 8 2. The request for a conference shall be made to  
4 9 the unit, in writing, and, if requested after ~~service~~  
4 10 ~~mailing~~ of ~~a~~ the notice pursuant to section 252J.3,  
4 11 shall be received by the unit within twenty days  
4 12 following ~~service mailing~~ of the notice.

4 13 6. If the individual does not timely request a  
4 14 conference or does not comply with a subpoena or  
4 15 warrant or if the obligor does not pay the total  
4 16 amount of delinquent support owed within twenty days  
4 17 of ~~service mailing~~ of the notice pursuant to section  
4 18 252J.3, the unit shall issue a certificate of  
4 19 noncompliance.

4 20 Sec. \_\_\_\_\_. Section 252J.6, subsection 1, unnumbered  
4 21 paragraph 1, Code 2005, is amended to read as follows:

4 22 If an obligor is not in compliance with a support  
4 23 order or the individual is not in compliance with a  
4 24 subpoena or warrant pursuant to section 252J.2, the  
4 25 unit ~~notifies mails a notice to~~ the individual  
4 26 pursuant to section 252J.3, and the individual  
4 27 requests a conference pursuant to section 252J.4, the  
4 28 unit shall issue a written decision if any of the  
4 29 following conditions exists:

4 30 Sec. \_\_\_\_\_. Section 600.16A, subsection 5, Code  
4 31 2005, is amended to read as follows:

4 32 5. Notwithstanding subsection 2, a termination of  
4 33 parental rights order issued pursuant to this chapter,  
4 34 section 600A.9 may, or any other chapter shall be  
4 35 disclosed to the child support recovery unit, upon  
4 36 request, without court order.

4 37 Sec. \_\_\_\_\_. NULLIFICATION OF RULES. The following  
4 38 rules are nullified:

- 4 39 1. 441 IAC 98.22.
- 4 40 2. 441 IAC 98.23.
- 4 41 3. 441 IAC 98.33.
- 4 42 4. 441 IAC 98.92.>

4 43 #3. Page 2, by inserting after line 30, the  
4 44 following:

4 45 <Sec. \_\_\_\_\_. Section 252D.17, subsection 8, Code  
4 46 2005, is amended to read as follows:

4 47 8. If the payor knowingly fails to withhold income  
4 48 or to pay the amounts withheld to the collection  
4 49 services center or the clerk of court in accordance  
4 50 with the provisions of the order, the notice of the  
5 1 order, or the notification of payors of income  
5 2 provisions established in section 252B.13A, the payor  
5 3 commits a simple misdemeanor for a first offense and  
5 4 is liable for the accumulated amount which should have  
5 5 been withheld, together with costs, interest, and  
5 6 reasonable attorney fees related to the collection of  
5 7 the amounts due from the payor. For each subsequent  
5 8 offense prescribed under this subsection, the payor  
5 9 commits a serious misdemeanor and is liable for the  
5 10 accumulated amount which should have been withheld,  
5 11 together with costs, interest, and reasonable attorney  
5 12 fees related to the collection of the amounts due from  
5 13 the payor.>

5 14 #4. Page 2, by inserting after line 30, the  
5 15 following:

5 16 <Sec. \_\_\_\_\_. Section 598.22A, subsection 1,  
5 17 unnumbered paragraph 1, Code 2005, is amended to read  
5 18 as follows:

5 19 For payment made pursuant to an order, the clerk of  
5 20 the district court or collection services center shall  
5 21 record a satisfaction as a credit on the official  
5 22 support payment record if its validity is confirmed by  
5 23 the court upon submission of an affidavit by the  
5 24 person entitled to receive the payment or upon  
5 25 submission of documentation of the financial  
5 26 instrument used in the payment of the support by the  
5 27 person ordered to pay support, after notice is given  
5 28 to all parties.>

5 29 #5. Title page, line 1, by inserting after the  
5 30 word <to> the following: <child support recovery  
5 31 including access to information for the purposes of  
5 32 recovery and>.

5 33 #6. Title page, line 1, by inserting after the  
5 34 word <to> the following: <child support including  
5 35 provisions relating to failure to withhold income or  
5 36 to pay the amounts withheld and to>.

5 37 [#7.](#) Title page, line 1, by inserting after the  
5 38 word <obligation> the following: <and the  
5 39 satisfaction of support payments>.  
5 40 [#8.](#) Title page, line 1, by inserting after the  
5 41 word <obligation> the following: <and nullifying  
5 42 related administrative rules>.  
5 43 [#9.](#) Title page, line 1, by inserting after the  
5 44 word <obligation> the following: <and providing  
5 45 penalties>.  
5 46 [#10.](#) By renumbering, relettering, or redesignating  
5 47 and correcting internal references as necessary.  
5 48 SF 350.H  
5 49 pf/es/25